

By SUSAN SHOEMAKER

Staff Writer

AUG 13 1978

Wayne Brown, the man who talked Sam Jackson into surrendering after holding a baby hostage in an East Oakland apartment for 51 hours last week, is a practitioner of a new and dangerous police art.

Like 12 other Oakland officers, Brown is a police hostage negotiator. Six of them worked on the Jackson case, but it was Brown's innate gift of gab, sharpened by the special training that he and his fellow officers have undergone, which brought the incident to a peaceful conclusion.

"I just started rapping with him, from the gut," says Brown, a handsome young man with a friendly face. "I was trying to build his confidence in us, and establish trust between us.

"We broke several of the rules they teach you in negotiating school, but I felt it was the right thing to do in this instance. If I were running the training schools, that's one thing I'd stress above everything else — that you just have to play it by ear."

Hostage negotiating developed of necessity over the past decade as police saw more and more terrorists, criminals and others taking hostages in hopes of trading them for something they want.

In the past, police might have ended such a situation by storming the barricades in a violent encounter that could leave criminals, policemen and hostages dead or injured. The point of negotiating is to avoid such violence and end the siege peacefully.

Most big city police departments and many smaller ones now routinely send officers to hostage negotiation schools sponsored by the FBI or local law enforcement agencies.

The schools generally last a week and teach policemen how to bargain, how to deal with people under pressure, how to talk to them without threatening or upsetting them.

Trainers try to show the officers how to establish instant relationships under the most difficult of circumstances with some of the most disturbed and least rational people they will ever meet. The hope is that the negotiator can gain the confidence of the criminal and convince him it's to his advantage to surrender and release his hostage unharmed.

The schooling covers general psychology and philosophy, a few specific rules, and some role-playing for practice. But Oakland negotiator Mark Emerson, one of those who spoke with Sam Jackson, says the greatest value of the training is that it instills a belief that negotiation can work.

"It's sort of like a subtle brainwashing," says Emerson, a mustachioed officer with a serene face

and cool gaze. "You develop a certain attitude. If you believe negotiation can work, that's all you need."

"Many people take hostages because they're frustrated with the system and they have no one to talk to. The role of the negotiator is to let the bad guy ventilate, to let him talk. The key phrases they teach you in school are things like, 'Oh, really? Tell me more,' or 'Is that right? Let's talk about it.' There's a reason he's in there, and if you just let him ventilate, he'll come out and no one will get hurt."

"You just have to be willing to wait. You can't rush things. We say we'll wait three weeks if we have to."

Patience is just one of the characteristics police brass look for in selecting negotiators. Sgt. Earl Sargent of the Oakland police says the best negotiators are low-keyed, emotionally stable, personable people who talk to others easily and remain unflustered in tense situations.

"It's really a knack," Sargent says. "The training is intensive, but basically it all comes down to the ability of the negotiator to win the confidence of the person he's talking to. The negotiator has to be able to convince him that he can walk out of the situation without losing too much dignity."

Wayne Brown believes the fact that both he and Sam Jackson are black helped create the rapport between them. Brown alone managed to convince Jackson that he could be trusted and wasn't lying when he promised that Jackson wouldn't be killed if he came out.

"I tried to build his confidence gradually, pointing out to him that we had been fair with him. I reminded him that we hadn't tried to shoot him when he opened the door to bring the phone in, or when we left cigarettes for him on the ledge."

"Ultimately I said I'd walk out with him, and I think that's what finally won out," Brown says. "And there was really a transference of trust be-

tween us. I trusted him too. Otherwise I never would have walked up to the door while he was holding a shotgun. I believed he wouldn't shoot me."

The negotiators' emotional investment in their work is great, largely because of the pressure and the intensity of it. Emerson couldn't sleep after the Jackson seige ended and Brown, for the first time in his career, was so wound up he got sick to his stomach.

Looking back at the Jackson case, Brown is satisfied he handled it well.

"There's really nothing I would have done differently," Brown says. "It was against what they teach you to walk up to the door when he had a shotgun, but I'd do it again if I had the same feeling about a person."

"When I'm negotiating I go with what I feel in my gut, not what they teach in class."

2 Oakland vice cops arrested on drug charge

FEB 6 1981

By Harry Harris
Tribune Staff Writer

Two members of the Oakland Police Department vice squad were arrested by federal drug agents today on cocaine trafficking charges.

Officers Wayne Brown, 29, and his partner, Carl Gayden, 30, were arrested by U.S. Drug Enforcement Administration agents and city vice squad officers when they reported to work at the Oakland Police Administration Building this morning.

The arrests, sources said, were not connected to the arrests earlier this week of a Berkeley policeman and an Alameda deputy sheriff, also on cocaine traffic charges.

Oakland police said an investigation began several months ago when information was received from confidential sources that an Oakland vice squad officer was involved in narcotics trafficking

in the Oakland area.

The aid of the DEA was enlisted for a joint investigation, police said.

The probe culminated with today's arrests on warrants charging the two officers with federal violations. Brown, a member of the Oakland police force for seven years who has been assigned to the vice squad for almost two years, was charged with conspiracy to distribute cocaine, obstructing justice and being an accessory after the fact.

Gayden, also a seven-year Oakland police veteran and for nearly two years a vice squad officer, was charged with conspiracy to distribute cocaine.

Sources said other arrests are anticipated.

Both men have been placed on administrative leave and action has begun to terminate their police employment, authorities said.

Cop called a pusher's spy

By the Tribune Staff

FEB 7 1981

One of two Oakland narcotics officers arrested Friday on charges of trafficking in cocaine also has been indicted by a federal grand jury on charges of helping an alleged drug dealer dodge a federal warrant.

Five other persons were arrested on the drug charges along with the officers, and another suspect still is at large.

Officer Wayne C. Brown was indicted by the grand jury on charges of aiding alleged drug dealer Darrell King avoid arrest.

The arrests ended a joint investigation by federal narcotics agents and Oakland vice control officers, an investigation that began again to arrest King on charges of possession of heroin and to search his home at 5510 Dover St. in Oak-

gan when Police Chief George T. Hart sought help from government forces early last year.

A tap on the home telephone of one of the suspect police officers last fall provided part of the evidence.

The arrests, with the exception of the suspect who got away, included everyone in the drug ring, according to Daniel J. Addario, special agent in charge of the U.S. Drug Enforcement Administration office in San Francisco.

At the same time, agents collected "a substantial amount of heroin," Addario said.

Arrested when they showed up for work as plainclothes officers were Wayne C. Brown, 29, of San

The man in the position by federal agent James B. Krohweil and

Ramon, who has worked in vice control since 1973, and Carl A. Gayden, 30, of Oakland, a vice officer since 1974.

The other suspects arrested were Ollye L. Robinson, 27, of San Francisco, a city social services worker; Richard T. McKinney, 45, of Dublin, a civilian worker at the Alameda Naval Air Station; Hugo V. Rivera, 46, of Oakland, an unemployed bartender; Reginald Whitley, 24, of San Francisco, and Marvin D. Jordan, 18, of Oakland. Each is charged with one count of conspiracy to distribute cocaine.

They appeared Friday before

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U.S. Magistrate Richard K. Goldsmith who scheduled a preliminary hearing for Feb. 13. Bail for each was set at \$5,000, except for Marvin Jordan, whose bail is \$10,000 because he played what U.S. Attorney G. William Hunter called "a much more significant role" in the case.

At large is Robert Lee Jordan, no occupation or address known, who faces the same one-count charge as the others.

Brown is accused in the indictment of two counts of obstruction of justice and one count of being an accessory-after-the-fact for allegedly warning King that U.S. Drug Enforcement Administration agents had a warrant to arrest King on charges of possession of heroin and to search his home at 5510 Dover St. in Oakland.

Agents found a pound of high-grade heroin in the home on the night of Sept. 26, but King had

gone. He was a fugitive until Nov. 19 when Stockton police stopped him for an automobile license violation and found a handgun and \$36,000 in counterfeit currency in the trunk.

King, 36, is being held in San Francisco for retrial on a charge that he murdered Jerome Benson of Hayes Valley in 1979 when Benson held back money in a drug transaction.

The grand jury accuses Brown of acting to "conceal, advise and offer assistance" to King, thereby "frustrating and impeding prosecution" of King, and acting to "relieve, comfort and assist" King in averting arrest.

An additional bail of \$12,500 was set for Brown in connection with the jury indictment.

The indictment contains a deposition by federal agent James R. Krehviel who tapped Brown's telephone in San Ramon for 20 days last October with an authorization from U.S. District Court Judge Samuel Conte. The

authorization was extended in November by U.S. District Judge Robert F. Peckham.

Krehviel's deposition lists conversations between Brown and Gayden, and between Brown and the other suspects, all containing discussions of the buying and selling of cocaine.

Brown and Gayden, for example, in an Oct. 23 phone conversation, discussed the quality of cocaine they had just received and the price for it, the indictment alleged.

In an Oct. 21 phone call, Whitley complains that cocaine purchased from Brown was "no good" and Brown replies that he sells it "\$50 cheaper than the others," the deposition said.

In an Oct. 20 telephone conversation, according to the deposition, Brown agrees to meet Whitley at a MacDonald's restaurant in San Francisco, but adds that he has so many orders for cocaine that "you can only get a quarter (of a) book today."

And on that same day, Brown telephones Marvin Jordan asking if Jordan "can move a quarter" book and Jordan replies, "Way more."

Police Chief Hart, in a statement issued after the arrests Friday, acknowledged that DEA agents came "quickly and ably" into the case at his request, adding that his own vice control officers did "fine work" in the case.

But Hart added, "I regret and I am incensed, that members of this department involved themselves in conduct that has resulted in these charges — conduct that is both illegal and a blatant violation of the trust that has been bestowed upon them."

Wayne Brown, in August, 1978, negotiated for 51 hours with an armed man holding an infant hostage in an East Oakland apartment, until the man walked out and handed him the unharmed baby.

*Wayne Brown
In photo several years ago*

"I just started rapping with him," Brown said afterward.

"I was trying to build his confidence in us"

Cop threatened harm to drug case suspect

By Carol Benfell
Tribune Staff Writer

FEB 14 1981

SAN FRANCISCO — An Oakland vice squad officer arrested last week for cocaine trafficking threatened to harm or kill a woman co-defendant the day after his arrest, according to statements made in U.S. District Court on Friday.

Judge William Orrick ordered Wayne C. Brown, 29, to leave 27-year-old Ollye L. Robinson alone "or I'll take steps from here . . . and have you in contempt of court." He also gave Brown a March 30 trial date.

Brown, a seven-year veteran with the police force, is charged with one count of cocaine trafficking, two counts of obstructing justice and one count of aiding a fugitive.

The officer allegedly warned reputed Oakland drug dealer Darrell King about a planned police raid on

King's Oakland home last September and helped King elude authorities for the next two months.

Deputy U.S. Attorney Robert Ward told Orrick that Brown, a tall, strongly built man, went to Robinson's San Francisco home "a few days ago" and accused her of being a "snitch."

Brown "told her she better look over her shoulder because somebody will take care of her next week," Ward said.

Brown's attorney, Penny Cooper of Berkeley, said the incident took place the day after the arrest "when there was a tremendous amount of emotion."

"It was an unfortunate incident and won't happen again," Cooper said.

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FEB 19 1981

6 indicted in cocaine traffic case

SAN FRANCISCO — Two Oakland undercover police officers and four others were indicted by a federal grand jury here Wednesday on drug-dealing conspiracy charges.

The two officers, Wayne C. Brown, 29, and his co-narcotic agent, Carl A. Gayden, 30, were arrested Feb. 6 by Oakland undercover officers and agents from the U.S. Drug Enforcement Agency and charged with trafficking in cocaine.

Brown also was indicted on five counts of using a telephone to engage in a felony offense of drug dealing, and Gayden is charged with one count of the same offense.

The others indicted are Robert Lee Jordan, still at large; his nephew, Marvin Jordan, 18; Reginald Whitney, 24, of San Francisco, and Richard T. McKinney, 45, a U.S. Navy civilian employee. They face charges of telephone conspiracy, based on taps placed by the DEA on Brown prior to his arrest. The Jordans are Brown's uncle and cousin.

Two others arrested in the joint Oakland police and DEA sweep Feb. 6 were not indicted. They are Hugo V. Rivera, unemployed bartender, and Ollye L. Robinson, 27, a social services worker of San Francisco.

Brown has been with the Oakland force for seven years, and Gayden six.

2 former vice officers plead guilty

By Carol Benfell
Tribune Staff Writer

SAN FRANCISCO — Two former Oakland vice squad officers were among five Eastbay men who pleaded guilty in U.S. District Court on Tuesday to charges of using a telephone to conduct cocaine deals.

Sentencing for Wayne Brown, 29, and Carl Gayden, 30, who have resigned after seven years on the Oakland police force, was

SB MAY 6 1981

set for May 29. Each faces a possible sentence of four years in prison and a \$30,000 fine.

In exchange for guilty pleas on the telephone counts, charges of conspiracy to distribute cocaine were dropped against Brown, Gayden and three others: Richard McKinney, 45, of Dublin; Marvin Jordan, 19, of Oakland, and Reginald Whitley, 24, of San Francisco.

A sixth man arrested Feb. 6 as part of a cocaine ring — Robert

Lee Jordan, 41, of Oakland — pleaded guilty to a misdemeanor of possessing cocaine. He faces a maximum of one year in jail and a \$5,000 fine.

Brown is also charged with helping reputed Oakland heroin drug czar Darrel King escape from federal narcotics agents last fall. He waived a jury trial on three charges of obstructing justice and aiding a fugitive.

Judge William Schwarzer will decide his case after a hearing May 15.

2 ex-cops guilty in dope case

By Carol Benfell
Tribune Staff Writer

MAY 7 1981

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SAN FRANCISCO — Two former Oakland vice squad officers pleaded guilty in U.S. District Court Tuesday to charges of using a telephone to make cocaine deals.

Wayne Brown, 29, and Carl Gayden, 30, both seven-year veterans of the Oakland Police Department, face four years in prison and a \$30,000 fine. They will be sentenced May 29.

Brown, who is also charged with helping reputed drug czar Darrel King escape from federal narcotics agents last fall, waived a jury trial on three charges of obstructing justice and aiding a fugitive.

Brown will be tried on those charges May 15 before Judge William Schwarzer. If convicted on all three counts, he faces a maximum additional 17½ years in prison and a \$22,500 fine.

Brown is charged with warning King of an impending raid on his Oakland home last September. King was finally arrested in Stockton in November.

The pleas by Brown and Gayden were part of a plea bargain arranged with the U.S. attorney's office. Brown, Gayden and three other men charged as part of a cocaine ring pleaded guilty to use of a telephone to facilitate drug deals and, in exchange, charges of conspiring to distribute cocaine were dropped.

The three are: Richard McKinney, 45, of Dublin; Marvin Jordan, 19, also known as Marvin Blackwell, of Oakland; and Reginald Whitley, 24, of San Francisco.

A sixth man, Robert Lee Jordan, 41, of Oakland, pleaded guilty to a misdeamnor charge of possessing cocaine, and faces a possible one year in prison and a \$5,000 fine. Robert Jordan is Marvin Jordan's father and Wayne Brown's uncle.

The men were arrested Feb. 6 by Oakland undercover officers and agents of the Federal Drug Enforcement Agency after tipsters told Police Chief George Hart two of his officers were dealing dope. Brown and Gayden resigned immediately after their indictments.

Ex-Oakland policemen sentenced for drugs

MAY 30 1981

By Carol Benfell

Tribune Staff Writer

SAN FRANCISCO — Former Oakland policemen Wayne Brown and Carl Gayden, vice squad officers who themselves became involved in drug trafficking, were sentenced Friday to federal prison.

Brown was sentenced to two years and Gayden received an 18-month sentence.

The sentences fell far short of the four-year maximum possible, but were greater than the terms requested by attorneys for the ex-officers.

"I'm ashamed and embarrassed and very, very sorry I compromised my job as an Oakland Police officer," Brown told the judge before sentencing. "I'm very, very sorry."

Gayden said he wanted to "formally apologize for my actions. I not only compromised my job, but the public trust as well," he said.

Both officers pleaded guilty two weeks ago to use of a telephone to conduct drug deals. In exchange for their plea, the U.S. Attorney's office dropped charges of conspiracy to distribute cocaine.

In pronouncing sentence, U.S. District Court Judge William Schwarzer said the defendants had "violated the public trust in a very serious way and compromised the enforcement of drug laws in Oakland."

"But the punishment (they) imposed on (themselves) is greater than any punishment the court can impose," Schwarzer said, apparently referring to the destruction of the officer's careers and the break-up of Brown's marriage.

Both men are now working in

construction jobs.

Two other men, arrested at the same time as Brown and Gayden, were also sentenced for use of a telephone in drug transactions.

Reginald Whitley, 24, San Francisco, was given a suspended sentence of three years, six months to be served in jail concurrently with his present sentence on a separate state conviction, and five years probation.

Whitley must also attend remedial education programs and submit to drug counseling during the probationary term, Schwarzer said.

Richard McKinney, 45, received a two year suspended sentence, six months of which is to be served in a prison-work furlough program, and 2 years' probation.

Robert Jordan, 41, of Oakland, pleaded guilty to possession of cocaine and was given a one-year suspended sentence, two years' probation and was ordered to perform 200 hours of community service.

Sentencing of a fourth man, Marvin Jordan, 18, of Oakland, was postponed until June 19.

The six were arrested Feb. 6, after a tap on Brown's telephone revealed conversations with the others involving sales of cocaine.

The arrests ended a joint investigation by federal narcotics officers and Oakland vice control officers which began when an informant told Police Chief George Hart two officers were dealing dope.

Brown faces additional charges in federal court arising from a telephone call in which he allegedly warned reputed drug king Darrel King that police were on the way to search his home.

Ex-Oakland vice cop indicted

By Carol Benfell and Paul Grabowicz
Tribune Staff Writers

AUG 6 1981

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SAN FRANCISCO — A former Oakland vice squad officer, found guilty last June of trying to help reputed Oakland heroin czar Darrell King evade arrest, was indicted here today on charges of lying to a federal grand jury about his involvement with a second reputed drug dealer.

Wayne Brown, 29, was ordered to appear in court on Aug. 19 for arraignment on the perjury

count, which carries a maximum five-year prison term and \$10,000 fine.

The federal indictment charges that Brown told Mickey Moore, also known as Milton "Mickey" Moore, the names of police informants and discussed the informants with Moore last October.

On July 27, 1981, the indictment says, Brown lied to the grand jury when he said he "never discussed police informants with Mickey Moore."

Oakland police have described

Moore as the head of a major Eastbay drug ring.

Brown is due in federal court Friday for sentencing on his obstruction of justice conviction for aiding reputed drug czar Darrell King. He was charged with helping King evade federal narcotics agents in September 1980.

At the time Brown tried to alert King to a narcotics raid on his 5510 Dover St. home in Oakland.

Later, while King was a fugi-

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tive from justice, Brown talked to him and suggested he get friends to testify that they also had access to a pound of heroin that agents found in a safe at King's residence.

King was sentenced to 29 years to life in prison last June for the murder of a man in San Francisco in an unrelated case.

In addition, Brown was sentenced on May 29 to two years in prison after pleading guilty to a federal charge of using a telephone to conduct drug deals.

In a plea bargain agreement, the U.S. Attorney's office dropped charges of conspiracy to distribute cocaine in exchange for his guilty plea.

At his sentencing Brown, a seven-year veteran of the police department, told the judge: "I'm ashamed and embarrassed and very, very sorry I compromised my job as an Oakland police officer."

Five other men, including former Oakland vice squad officer Carl Gayden, were also sentenced at that time.

Ex-cop gets five years in prison

AUG 8 1981

SAN FRANCISCO — Wayne Brown, the Oakland vice squad officer convicted of tipping off a suspected drug dealer and accused of giving police informants' names to another man police suspect of dealing narcotics, was sentenced Friday to five years in federal prison.

U.S. District Judge William Schwarzer ordered the five years to run concurrently with a two-year sentence imposed on Brown in May for drug trafficking.

Brown was ordered to surrender to U.S. marshals Monday.

He is to return to court Aug. 19 to answer charges of lying to a grand jury when he said he had not tipped reputed drug dealer Mickey Moore about police informants.

The sentence Friday was the maximum possible for the obstruction of justice charge. Brown's attorney, Howard Hertz, said he would appeal.

Brown, 29, a seven-year veteran of the Oakland Police Department, was convicted June 15 of trying to warn reputed drug czar Darrell King that narcotics agents were about to search his home.

Wiretaps placed on Brown's phone also revealed that he talked to King while King was a fugitive from justice, suggesting possible alibis and strategies that Brown garnered from other officers.

Former vice cop is found guilty

By Carol Benfell
Tribune Staff Writer

JUN 16 1981

SAN FRANCISCO — Former Oakland vice squad officer Wayne Brown was found guilty of obstructing justice Monday in a federal trial without a jury.

Sentencing on the felony was set for Aug. 7, and Brown's surrender date to federal prison for two years on related charges involving drug sales was delayed until Aug. 10, so the two sentences can be served concurrently.

Brown, 29, was charged with trying to warn Oakland drug czar Darrel King that federal agents were on the way to his Dover Street home with a search warrant. Later, after King fled, Brown is accused of suggesting he get friends to testify they had access to the safe in which agents found a pound of heroin.

U.S. District Judge William Schwarzer found Brown guilty of trying to warn King, which he said was "similar to destroying evidence."

But in Brown's subsequent telephone conversations, he only presented "a defense theory," Schwarzer ruled.

"Even though it was dishonest, it doesn't seem to me to rise to the level" of obstruction of

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justice or accessory to the crime, charges Brown also was accused of, the judge said.

The evidence against Brown — transcripts of wiretaps placed on his telephone and affidavits by vice squad officers — was agreed to by defense and prosecution lawyers before Monday's hearing.

The only defense raised by Brown's lawyer, Howard Hertz, was that the acts he was accused of were not crimes.

OCT 26 1981

Ex-policeman convicted

SAN FRANCISCO — A former Oakland police officer who offered to give the names of confidential police drug informants to an alleged drug dealer was found guilty in U.S. District Court today of lying to a grand jury.

Wayne Brown, 29, a member of the Oakland police force for seven years, was working on the vice squad when he was arrested in February on drug trafficking charges.

Testifying in July later under immunity, Brown told a federal grand jury investigating purported drug dealer Milton "Micky" Moore that he had never discussed police informants with Moore.

However, the prosecution produced tape recordings of phone calls showing Brown had at least 44 conversations with Moore over about one month's time in October 1980.

The conversations took place at a time the Oakland vice detail, of which Brown was a member, was actively investigating Moore for suspected drug trafficking.

Brown was sentenced in August to five-year sentence for obstruction of justice for trying to warn another alleged drug dealer, Darrell King, that police were on the way to King's home to raid it.

Lying in drug cases

Six-month prison term for ex-cop

By Carol Benfell
Tribune Staff Writer

OCT 28 1981

SAN FRANCISCO — Former Oakland police vice squad officer Wayne Brown, 29, was sentenced Tuesday to six months in prison and 4 1/2 years probation for lying to a grand jury.

The six months will be served in addition to the five years Brown is now serving for obstruction of justice and drug trafficking, said U.S. District Court Judge William Schwarzer.

Assistant U.S. Attorney Robert Feldman had asked for "additional years not months" for Brown.

"He has thumbed his nose at his oath and at the process," Feldman said of the seven-year police veteran. "He was called before the grand jury and asked about (Darrell) King and (Mickey) Moore," two alleged drug dealers.

"He perpetuated his corrupt ways and in every place he could he lied about narcotics trafficking," Feldman said.

Brown's attorney, assistant public defender Cristina Arguedas argued that Brown did not need more time in prison but "extended help and guidance

when he gets out."

Brown was found guilty Monday of lying to a federal grand jury when he denied ever discussing the names of police informants with Moore.

Brown was sentenced to five years in prison in August for obstruction of justice for trying to warn King that police were coming to raid King's Oakland home.

The five-year sentence runs concurrently with a two-year sentence he got in May for using a telephone to conduct drug deals.

Conviction of ex-Oakland cop reversed

By Paul Grabowicz
and Carol Benfell
Tribune Staff Writers

The conviction of former Oakland vice squad officer Wayne Brown last June on an obstruction of justice charge was reversed today by the U.S. Ninth Circuit Court of Appeals.

Brown, 29, who was a 7-year veteran of the Oakland Police Department, was convicted June

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15, 1981 in the U.S. District Court for trying to warn Oakland drug dealer Darrel King that narcotics agents were about to search his home.

In today's 5-page opinion, the appeals court overturned a 5-year sentence Brown was given for obstructing justice.

The appeals court said statutes that prohibit interfering with the administration of justice only apply to acts that obstruct an "on-going judicial proceeding," specifically a grand jury investigation.

Brown interference with the execution of a search warrant on Darrel King's 1210 Dover St. home, the court said, occurred prior to the grand jury investigation and did not affect an on-going judicial proceeding.

Brown's attorney, Howard Hertz, said: "I'm very, very happy (with the court's decision) because I think Mr. Brown is a person who will be rehabilitated and was corrupted by the process of being a narcotics officer."

Brown is currently serving

time in the federal penitentiary at Lompoc for two other convictions and could be eligible for parole within a year, Hertz said.

Assistant U.S. Attorney Bob Ward said the appeals court ruling was "extremely distressing."

"The court made what I think is an unwarranted distinction between a grand jury investigation and the issuance of a search warrant," Ward said.

"The court seems to be saying that a U.S. magistrate's participation in the issuance of a search warrant is not a judicial proceeding," Ward said. "That, to me, seems unreasonable. I just don't understand how (the appeals court) reached that conclusion."

Ward said he would confer with the Justice Department in Washington about today's ruling, and then ask for a rehearing on the issue before the appeals court.

Ward also took exception to a portion of the appeals court ruling that stated Brown should have been charged under another federal code section which prohibits the destruction of property legitimately subject to seizure.

The court said that section would apply to Brown's attempt to alert King to the police seizure of evidence at King's home.

Ward said, however, that Brown was unable to contact King about the search warrant that day and, as a result, there was no destruction of property.

Because the code section cited by the appeals court does not outlaw "attempts" to destroy property, Ward said, Brown cannot be charged under its provisions.

"That statute would not cover the defendant's conduct here," Ward said.

Today's appeals court ruling does not affect Brown's two other federal convictions, neither of which was appealed by Brown.

Brown was given a two-year sentence last May after being convicted of using a telephone to conduct drug deals.

He was sentenced to an additional six months in prison in October for lying to a federal grand jury when he denied he ever discussed the names of police informants with reputed Oakland drug dealer Mickey Moore.

Conviction of Oakland policeman is reversed

By Paul Grabowicz

and Carol Benfell

Tribune Staff Writers

MAR 31 1982

The conviction of former Oakland vice squad officer Wayne Brown last June on an obstruction of justice charge was reversed Tuesday by the U.S. Ninth Circuit Court of Appeals.

Brown, 29, who was a seven-year veteran of the Oakland police department, was convicted last June 15 in U.S. District Court for trying to warn convicted Oakland drug dealer Darrel King that narcotics agents were about to search his home.

In Tuesday's opinion the appeals court overturned Brown's five-year prison sentence.

The Appeals Court said the statutes which prohibit interfering with the administration of justice only apply to acts that obstruct an "on-going judicial proceeding," specifically a grand jury investigation.

Brown's interference with the execution of a search warrant on King's 1210 Dover St. home, the court said, occurred prior to the grand jury investigation and did not affect an on-going judicial proceeding.

Brown's attorney, Howard Hertz, said: "I'm very very happy (with the court's decision) because I think Mr. Brown is a person who will be rehabilitated and was corrupted by the process of being a narcotics officer."

Brown is currently serving time in the federal penitentiary at Lompoc for two other convictions and could be eligible for parole within a year, Hertz said.

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Tuesday's ruling does not affect Brown's two other federal convictions, neither of which was

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SAT AUG 18 1984

Ex-cop again suspect in drug case

~~SAT AUG 18 1984~~

By Paul Grabowicz

The Tribune

BENICIA — An ex-Oakland vice officer who served time in prison on a cocaine trafficking conviction has been arrested again on suspicion of drug dealing, Benicia police said yesterday.

Wayne Brown, 32, who worked for the Oakland Police Department for seven years until his dismissal in 1981, was booked Thursday for investigation of possession for sale of cocaine, Benicia Police Sgt. Mach Myovich said.

Brown, who has lived in Benicia since December, was released from federal prison in June 1983. He had been incarcerated for 22 months for his 1981 conviction of using a telephone to conduct cocaine deals.

Myovich said police recently received a tip from an informant that Brown "was dealing lots of dope" out of his house at 857 Rose Drive.

Police searched the house Wednesday and found 1 1/2 ounces of cocaine and 2 1/2 grams of heroin, Myovich said.

Brown surrendered to police Thursday and is free on bail pending his arraignment.

Also arrested was Richard McKinney, 48, who was at Brown's house when police searched it.

McKinney, who was convicted of cocaine dealing in 1981 with Brown, was booked on suspicion of possession of heroin for sale, Myovich said.

The 1981 convictions of Brown and McKinney were the result of an investigation by

Oakland police and the U.S. Drug Enforcement Administration into allegations that Brown and another vice officer were dealing drugs.

Brown and the other officer each received two-year prison sentences.

Brown also received a six-month sentence for lying to a federal grand jury when he denied that he had discussed the names of police informants with reputed Oakland drug king Milton "Mickey" Moore.

A third conviction in 1981 for obstructing justice was overturned by a federal appeals court in March 1982. Brown had been charged with trying to warn another Oakland drug dealer that police were about to search his house.